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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,791	03/04/2004	Yoshihiro Nakao	47635-0002	5495
55694	7590	09/14/2006	EXAMINER	
DRINKER BIDDLE & REATH (DC) 1500 K STREET, N.W. SUITE 1100 WASHINGTON, DC 20005-1209			MARTINELL, JAMES	
		ART UNIT	PAPER NUMBER	
			1634	

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.

EXAMINER

ART UNIT PAPER

20060910

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Commissioner for Patents

See the attached communication.


James Martinell
Primary Examiner
Art Unit: 1634

9/10/06

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The reply filed on July 20, 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s).

- (a) Applicants did not address the provisional obviousness double patenting rejection (Office action mailed February 23, 2006, page 6, third full paragraph). Applicants request this rejection to be held in abeyance (response filed July 20, 2006, page 17). There is no provision for hold a rejection in abeyance. Applicants may argue the merits of the rejection, file a terminal disclaimer, or offer to file a terminal disclaimer.
- (b) The amendment does not comply with 37 CFR § 1.121(c) in that in claim 1, line 1 (locations referred to herein are based on the amendment filed July 20, 2006), "method" was deleted without notation.
- (c) The amendment does not comply with 37 CFR § 1.121(c) in that in claim 1(c), line 2, "identity" was changed to "identify" without notation.
- (d) The amendment does not comply with 37 CFR § 1.121(c) in that in claim 1(c), line 2, "*S. cerevisiae*" was added without notation.
- (e) The amendment does not comply with 37 CFR § 1.121(c) in that in claim 5, last line, ", or its complementary DNA sequence" was deleted without notation.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Martinell whose telephone number is (571) 272-0719.

The examiner works a flexible schedule and can be reached by phone and voice mail.

Alternatively, a request for a return telephone call may be e-mailed to james.martinell@uspto.gov. Since

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e-mail communications may not be secure, it is suggested that information in such requests be limited to name, phone number, and the best time to return the call.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla, can be reached on (571) 272-0735.

OFFICIAL FAX NUMBER

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any Official Communication to the USPTO should be faxed to this number.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

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James Martinell, Ph.D.
Primary Examiner
Art Unit 1634

9/10/06